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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,711	01/18/2002	Stan Wojciak	LC-465	6319

7590 04/13/2004

LOCTITE CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, CT 06067

EXAMINER

BERMAN, SUSAN W

ART UNIT PAPER NUMBER

1711

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/050,711	Applicant(s) WOJCIAK, STAN	
	Examiner Susan W Berman	Art Unit 1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): 112 rejections of claims 5,13 and 18.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached page.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 20 and 22-25.

Claim(s) rejected: 1-5,8-11,19 and 21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Susan W Berman
Primary Examiner
Art Unit: 1711

Detailed Action

The finality of the Office Action mailed December 19, 2003, is maintained. As set forth on the last page of the Office Action, any new grounds of rejection were set forth in response to Amendments to the claims made in response to the first Office Action. Furthermore, the limitations of claim 6 had been previously rejected under 35 USC 102(e)/103 over Trom et al.

Trom et al specifically disclose compositions comprising Fluorescein or 4',5'-Dibromofluorescein dyes as the photobleachable dye that causes a color change (column 4). Instant claim 1, as written, requires the presence of xanthene dyes and recites that anthraquinone dyes are optional. Thus the embodiment wherein an anthraquinone dye is present must also contain a xanthene dye. Trom et al teach that anthraquinone dyes may be added in addition to the photobleachable dye, thus teaching an embodiment wherein both xanthene dye and anthraquinone dye are present. The compositions taught by Trom et al can include anthraquinone dyes, thus disclosing the embodiment set forth in instant claim 1 wherein the optional anthraquinone dye is included. Trom et al teach that the anthraquinone dye functions as a sensitizer and also teach that the sensitizer may also impart a photobleachable color in addition to the color imparted by the dye (column 7, lines 18-20).

Applicant's argues that Applicant has defined the xanthene component as a dye while Trom et al define xanthene dyes as sensitizers and that Trom et al require the presence of a dye in compositions to which a sensitizer is added. Applicant specifically argues that Trom et al teach using xanthene dyes and anthraquinone dyes as sensitizers used in addition to the dye, not instead of the dye. These arguments are not persuasive because Trom et al teach compositions comprising photobleachable dyes, such as fluorescein dyes (columns 3-4), and that xanthene dyes or anthraquinone dyes can also be included as sensitizers and furthermore, that the sensitizer may also impart a photobleachable color in addition to the color imparted by the dye.

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The rejection of claim 21 under 35 USC section 112 stands for the reason set forth in the Final Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan W Berman
Primary Examiner
Art Unit 1711

SB
4/7/04